

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In re OLGA MARTINEZ,

Case No. [14-cv-01998-YGR](#) (PR)

ORDER OF TRANSFER

Petitioner, a state prisoner, has filed a *pro se* petition for a writ of habeas corpus. She has filed a motion for leave to proceed *in forma pauperis*.

Federal statute allows "the Supreme Court, any justice thereof, the district courts and any circuit judge" to grant writs of habeas corpus "within their respective jurisdictions." 28 U.S.C. § 2241(a). A federal petition for a writ of habeas corpus made by a person in custody under the judgment and sentence of a state court is properly filed in either the district of confinement or the district of conviction. *Id.* § 2241(d). Where a case is filed in the wrong venue, the district court has the discretion to transfer it to the proper federal court "in the interest of justice." *See* 28 U.S.C. § 1406(a).

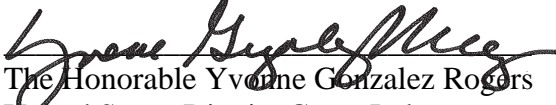
Here, Petitioner challenges a conviction and sentence incurred in the Ventura County Superior Court, which is in the venue of the Western Division of the Central District of California. *See* 28 U.S.C. § 84. Accordingly, that is the proper venue for this action.

Pursuant to 28 U.S.C. § 1406(a) and Habeas L.R. 2254-3(b), and in the interest of justice, the Clerk of the Court is ordered to TRANSFER this action forthwith to the Western Division of

1 the United States District Court for the Central District of California. All remaining motions are
2 TERMINATED on this Court's docket as no longer pending in this district.

3 IT IS SO ORDERED.

4 Dated: August 15, 2014


The Honorable Yvonne Gonzalez Rogers
United States District Court Judge

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